GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Endowments Department – Certain irregularities noticed in the administration of Sri Lakshmi Narasimha Swamy Temple, Ahobilam, Kurnool – Disciplinary action initiated against Sri B.V.Narasaiah, former Executive Officer Grade.II, under AP Executive Officer's Disciplinary (Control & Appeal) Rules, 1977 – Inquiry – Charges Proved - Punishment of termination from service imposed – Appeal filed – Considered – Punishment modified to that of withholding of three annual grade increments with cumulative effect – Orders – Issued.

REVENUE (VIGILANCE.IV) DEPARTMENT

G.O.Rt.No.6 **Dated:02-01-2018**

Read the following:

1. Rc.No.B1/5906/2012 RJC, dt.9.05.2013 of Regional Jt.Commissioner, Endowments Department, MZ-II, Tirupathi.
2. Proc. of the CED, AP., Rc.No.E3/20447/2013-1, dt.15.07.2013.
3. Proc. of the CED, AP., Rc.No.E3/20447/2013-2, dt.15.07.2013.
4. Expl.dt.06.12.2013 submitted by Sri B.V.Narasaiah, EO (U/S).
5. Memo Rc.No.E3/20447/2013, of CED, AP., dated 03.02.2014.
6. Lr.No.B1/4171/13, dt.11.6.13 & 2.01.2014 of DC, ED, Kurnool.
7. Lr.No.B1/4171/13, dt.11.6.13 & 2.01.2014 of DC, ED, Kurnool.
8. Progs of CED, AP., in Rc.No.E3/20447/2013-1, dt.11.03.2014.
9. Proceedings of CED, AP., Rc.No.E3/20447/2013-2, dated 11.03.2014.
10. Expl.dt.06.11.2014 submitted by Sri B.V.Narasaiah, EO (U/S).
11. Lr in Rc.No.A2/476/14, dt.25.7.14 of JC&EO, Sri Swayambu Varasiddi Vinayaka Swamy Devasthanam, Kanipakam, Chittoor Dist.
12. Memo Rc.No.V3/20447/2013, of CED, AP., dated 01.09.2014.
13. Lr in Rc.No.A2/476/2014, dt.12.05.2015 of JC & EO, Sri Swayambu Varasiddi Vinayaka Swamy Devasthanam, Kanipakam, Chittoor.
14. Expl.dt.6.11.2014 submitted by Sri B.V.Narasaiah, EO (U/S).
15. Proceedings of the CED, Rc.No.V3/20447/2013, dt.10.09.2015 issued to Sri B.V.Narasaiah, Executive officer (U/S).
16. Further explanation dt.30.11.2015, submitted by Sri B.V. Narasaiah, Executive officer (U/S).
17. Proceedings of CED, AP., Rc.No.V3/20447/2013, dt.03.03.2016 issued to Sri B.V.Narasaiah, Executive officer (U/S).
18. Appeal dated 26-03-2016 filed by Sri B.V.Narasaiah, Executive officer (under termination from service).
19. Government Memo No.209377/Vig.IV(1)/2016-1, dt.02-03-2016.
20. From CED, AP., Lr.No.V3/20447/2013, dated 15-08-2016.

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O R D E R:

Whereas in the reference 1st read above, the Regional Joint Commissioner of Endowments, Multi Zone – II, Tirupathi submitted report to the Commissioner of Endowments that certain irregularities have taken place in the administration of Sri Lakshmi Narasimha Swamy Temples, Ahobilam, Kurnool District and Sri B.V.Narasaiah, Executive Officer Grade-II of the temple has exhibited gross negligence in discharging his duties. The Commissioner of Endowments has placed the Charged Officer under suspension and framed ten Charges for the irregularities noticed against him, vide references 2nd and 3rd read above. The Charged Officer has submitted his Written Statement of Defence, vide reference 4th read above, denying the charges and as the same is not convincing, the Commissioner of Endowments vide reference 5th read

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above, has appointed the Inquiry Authority to inquiry into the matter. In the meantime, the Deputy Commissioner, Kurnool has submitted inspection report on the irregularities noticed in the accounts and records in respect of the subject temple and also in respect of other temples which are under the control of the Charged Officer, vide reference 6th read above.

2. And whereas the Commissioner of Endowments after examining the Inspection Report of the Deputy Commissioner, Kurnool, has framed 35 additional charges against Sri B.V.Narasaiah, Executive Officer Grade-II, vide reference 8th read above, and the Charged Officer has submitted his Written Statement of Defence, vide reference 10th read above denying the charges and as the same are not convincing, the matter got inquired through regular inquiry. The Inquiry Officer has submitted the Inquiry Report in respect of both sets of charges framed against Sri B.V.Narasaiah, vide references 11th and 13th read above. The Inquiry Authority in the Inquiry Report held that out total 45 charges framed against Sri B.V.Narasaiah, 15 (i.e., 6 from 1st set of charges and 9 charges from 2nd set of charges) charges as proved. The Commissioner of Endowments after examining the Inquiry Reports, observed that all the 15 charges that are held proved deals with cash and funds flow management and that there is temporary misappropriation of funds and the department is struggling to arrive proper accounting and amounts utilised for various purposes in the absence of vouchers, cash book entries and updation and account maintenance. The Commissioner of Endowments after examining the explanation submitted by the Charged Officer to the Show Cause Notice, has imposed the punishment of termination from service against Sri B.V.Narasaiah, former Executive Officer Grade.II (under suspension), vide reference 17th read above.

3. Sri B.V.Narasaiah, vide reference 18th read above, has filed appeal before the Government and requested to set aside the punishment of termination from service imposed against him by the Commissioner of Endowments.

4. The Government have examined the appeal petition filed by Sri B.V.Narasaiah, with the material available on record and with the report submitted by the Commissioner of Endowments, vide reference 19th read above and observed that total 45 charges are framed against the Charged Officer. Out of them 15 charges (i.e., 6 charges framed under 1st set and 9 charges framed under 2nd set) are held proved by the Inquiry Authority, the Charges 1, 2, 3 & 8 (framed under 1st set of charges) relates to non submission of assessment reports; budget estimates; non production of records and the charges 9 and 10 (framed under 2nd set of charges) relates to not obtaining budget sanction order and failed to follow the DITTAM, having no financial transactions. The Charge No.7 framed under 1st set and charge No.12 under 2nd set are similar relating to non maintenance of cash book. The remaining seven charges, (i.e., charge-5 in 1st set and charges 26 to 30 & 34 in 2nd set) relates to non maintenance of day to day expenditure; render accounts from 2011; excess withdrawal of amounts than the requisition made; non maintenance of vouchers with date and details of purchase/payments made; failed to show accounts for withdrawal of Rs.97,45,199/- and Rs.1,25,76,629/- beside not remitted daily collection to bank and non furnishing of income returns for 2010-11, 2011-12, 2012-13 and 2013-14 for issuing demand notices for payment of EAF, Audit fee, CGF., etc.

(Cond..)

5. The Government further observed that Inquiry Authority in his findings observed that the entire administration of the temple is under the control and hold of Peetadhipathi from the time immemorial and the management and protection of lands is under his control. The peetadhipathi appointed one Chartered Accountant as his Attorney to look over the administration of the temple and Charged Officer cannot interfere in the administration of the temple. Regarding non remittance of daily collection in bank, the Inquiry Authority observed that the Ahobilam Village is located in a remote area and due to non availability of banking facility at Ahobilam, the Charged Officer used to remit the receipts in Andhra Bank branch located at Allgadda Village once in 10 days and that there is no malafide intention on the part of the Charged Officer in remitting the receipts into the bank once in 10 days. Further with regard to the excess drawl of funds, the Inquiry Authority observed that the bank accounts are being operated by and in the name of Srivan Shatagopa Sri Ahobila Mutt through cheque system and without the consent or knowledge of the Matadhipathi, there is no scope to withdraw funds from the temple account. The bank cheque books are under the control of Mathadhipathi and the expenditure was incurred with the prior permission of Peetadhipathi. The Charged Officer used to put requisition to Mathadhipathi, seeking withdrawal of funds for the anticipating expenditure for every succeeding months and the Peetadhipathi after examining the same used to issue cheque in the name of GPA. The GPA en-cashes the cheque and then hand over the cash to the Charged Officer to incur expenditure and there is no scope to withdraw amount.

6. Whereas the Government after examining the mater taking all the facts on record into consideration opined that the punishment of termination from service is not envisaged either in Rule 4 of Andhra Pradesh Executive Officer's Disciplinary (Control & Appeal) Rules, 1977 or in Rule 9 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991. The Disciplinary Authority has to impose one of the punishments contained in the rules. More over all the charges related to not maintaining the Accounts and Records of the temple. It seems to be dereliction of duties and procedural lapses in maintaining records, but there are no charges related to any misappropriation of funds, falsification of accounts and embezzlement of temple properties. Hence decided to allow the appeal and modify the punishment of termination from service as stoppage of three annual grade increments with cumulative effect.

7. Accordingly, the Government here by allow the appeal filed by the Charged Officer under the Andhra Pradesh Executive Officer's Disciplinary (Control & Appeal) Rules, 1977 and modify the punishment of termination from service imposed against Sri B.V.Narasaiah, former Executive Officer Grade.II, Sri Lakshmi Narasimha Swamy Temple, Ahobilam, Kurnool by the Commissioner of Endowments to that of stoppage of three annual grade increments with cumulative effect and re-induct Sri B.V.Narasaiah, into service as Executive Officer Grade.II, with immediate effect.

8. The Commissioner of Endowments, Andhra Pradesh, Vijayawada shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

MANMOHAN SINGH
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri B.V.Narasaiah, former Executive Officer Grade.II, (now under termination)
(**through the** Commissioner of Endowments, A.P, Vijayawada)
The Commissioner of Endowments, Andhra Pradesh, Gollapudi, Vijayawada.

Copy to

The Regional Joint Commissioner of Endowments, Multi Zone – II, Tirupathi.
The Deputy Commissioner of Endowments, Kurnool.
The Assistant Commissioner of Endowments, Kurnool.
The Executive Officer, Sri Lakshmi Narasimha Swamy Temple, Ahobilam, Kurnool.
Sf / Sc.

// FORWARDED BY ORDER //

SECTION OFFICER